

NORTH CAROLINA  
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

Case No.: 21CV51708

SHEILA J. SPANN,

Plaintiff,

V.

CARRABBA'S ITALIAN GRILL, LLC

Defendant.

**COMPLAINT**  
**(Jury Trial Demanded)**

NOW COMES Plaintiff, complaining of Defendants, and alleges and says as follows:

**I. PARTIES AND JURISDICTION**

1. Plaintiff, Sheila J. Spann, (hereinafter referred to as "Plaintiff"), is a citizen and resident of Wayne County, Michigan.
2. Upon information and belief, Defendant Carrabba's Italian Grill, LLC (hereinafter referred to as "Defendant") is a citizen and resident of Hillsborough County, Florida, with its registered agent located in Mecklenburg County, North Carolina.
3. Defendant has been properly served with the complaint and summons in this matter pursuant to the applicable provisions of the North Carolina General Statutes and the North Carolina Rules of Civil Procedure, and there are no outstanding issues of process, service of process, or jurisdiction.

**II. FACTUAL ALLEGATIONS**

4. On December 15, 2019, Plaintiff was dining at Carrabba's Italian Grill at 5312 New Hope Commons Ext., Durham, NC 27707.
5. At the same time and place referred to above, Plaintiff proceeded to the restroom.
6. On her way to the restroom, suddenly and without warning, Plaintiff slipped on a wet and greasy floor and fell.
7. Defendant's failure to fix the dangerous condition and/or failure to warn Plaintiff of the dangerous condition caused Plaintiff to slip and fall.

8. As a result of the slip and fall described above, Plaintiff suffered serious and painful injuries set forth more fully herein below.

9. The negligent acts and omissions of the Defendant described hereinafter were the sole cause of the slip and fall referred to above.

### **III. ALLEGATIONS OF NEGLIGENCE**

Incorporating all previous allegations, the Plaintiff alleges and says:

10. Defendant was negligent and grossly negligent in that it:

- (a) Failed to warn Plaintiff of the dangerous condition on the premises;
- (b) Knew, or should have known, of the hazardous, dangerous, and unsafe condition created by the overflowing toilet in its restroom;
- (c) Failed to inspect, discover, remove, repair or correct the condition;
- (d) Failed to take reasonable precautions to protect Plaintiff and others from the dangerous condition;
- (e) Failed to make timely inspections of their premises such that they might discover the dangerous condition;
- (f) Created the dangerous condition by their own conduct;

### **IV. DAMAGES**

Incorporating all previous allegations, the Plaintiff alleges and says:

11. As a direct and proximate result of the negligence of the Defendant as described herein, Plaintiff has suffered serious, painful, and debilitating bodily injuries.

12. As a direct and proximate result of the negligence of the Defendant as described herein, the Plaintiff has incurred medical expenses for the medical care and treatment of her bodily injuries and is informed and believes that such treatment and expenses shall continue.

13. As a direct and proximate result of the negligence of the Defendant as described herein, the Plaintiff incurred lost wages.

14. As a proximate and foreseeable result of the negligence of the Defendant as described herein, the Plaintiff has endured physical pain and suffering, mental anguish, and emotional

distress, and is informed and believes that she will continue to incur pain, suffering, mental anguish, and suffer emotional distress for an undetermined amount of time into the future.

15. As a proximate and foreseeable result of the negligence of the Defendant as described herein, the Plaintiff has suffered permanent and lasting injuries that may at some time require future treatment.

16. As a proximate and foreseeable result of the negligence of the Defendant, Plaintiff has sustained damages and is entitled to recover from the Defendant in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00).

#### **IV. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff seeks judgment against the Defendant as follows:

17. That the Plaintiff have and recover from the Defendant for general and compensatory damages for a sum in excess of \$25,000.00 for past and future medical bills, pain and suffering, lost wages for Plaintiff;

18. Interest at the maximum rate allowable by law allowed beginning from the date of the filing of this action;

19. The costs of this action;

20. That the Plaintiff be awarded reasonable attorney's fees;

21. That the costs and fees in this action be taxed against the Defendant; and

22. For all such other and further relief as the Court may deem just and proper.

This the 15 day of February, 2021.

KORNBLUTH GINSBERG LAW GROUP, P.A.  
*Attorneys for Plaintiff*



---

Kevin B. Ginsberg  
NC State Bar No.: 29572  
Andrew K. Sonricker  
NC State Bar No.: 55224  
3400 Croasdaile Road., Suite 300  
Durham, NC 27705  
Telephone: (919) 401-4100  
Facsimile: (919) 401-4104